

Minutes Consumer Panel Meeting

Tuesday 3 December 2024 (via Teams)

Present

Gillian Fyfe (GF), Citizens Advice Scotland (Chair)
Tracey Reilly (TR), Consumer Scotland
Chris Gill (CG), University of Glasgow
Brendan McGinty (BM), Competition and Markets Authority

Vicky Crichton (VC), Director of Public Policy, SLCC
[redacted name] Best Practice Adviser, SLCC
[redacted name] SET representative, SLCC (item 5)
[redacted name], SLCC (observer)

Introduction

1. Welcome and apologies

The Chair noted apologies from Louise Johnson (Scottish Women's Aid) and Kirsten Urquhart (YoungScot).

2. Declarations of Interest

No declarations of interest were necessary.

3. Approval of Minutes of 3 September 2024

The minutes were approved.

Discussion

4. Regulatory reform

VC reminded the Panel that it had agreed, after the last meeting, to write to the Minister and the parliamentary committee about the amendments that Scottish Government (SG) had said it was intending to propose to that committee. The letter had been sent to the Minister, but not yet to the Committee, since those amendments had not yet been tabled. Once this had been done, the letter (amended if necessary) would be sent. The Minister had responded in the meantime, noting the concerns about adequate resourcing of the panel, and confirming that she was continuing to engage with stakeholders and was exploring the insertion of a statutory requirement that the panel be adequately resourced from the SLCC's general levy.

TR said that the Lord President had made representations that the Inner House of the Court

of Session must be retained as the appeal route. The financial memorandum to the Bill was premised on the assumption that funding would be freed up by changing the route for appeals and if the Lord President's representations were successful this would have an impact. Even if SG were to remain firm, there was still the possibility of backbench amendments. Consumer Scotland was currently drafting a letter to address some of the points raised by the Lord President.

GF suggested that there might be merit in holding back on sending the final letter to the committee until it was known what amendments both SG and the individual parties might be proposing, as some might strengthen the Panel's points, particularly in relation to cost-savings and funding of the Panel. Members agreed that she and VC should finalise the letter at the appropriate point.

The Panel also discussed whether it would be useful to have another meeting with the SG drafters in March. It was agreed that VC would monitor the progress of the amendments and if appropriate, another invitation would be sent to SG in mid-January.

SLCC

5. Service Experience Team

[A Service Experience Team (SET) representative] gave an update on the projects currently being progressed by the SET. These included developing an infographic to help complainers understand the potential consequences of making a complaint, including their liability for fees. A similar version for practitioners could encourage them to have a stronger focus on resolution when dealing with complaints. The SLCC was intending to pilot an advice line to help, in particular, single practitioners or small firms to understand the process, and to manage their expectations.

[SET] noted that a few reviews had been posted on Trustpilot, and in future a link would also be included for Trustpilot when sending out the feedback invitation. The invitation was now made 6 weeks into the process, then again at the end of each stage, to try to get a more balanced view and allow any problems to be identified and rectified earlier. More free-text comments were now requested, to enable themes to be identified, and although no particularly cogent themes emerged from this quarter, there were comments about the time taken, misunderstanding about the process, and perceptions of bias which were generally made when people did not get the outcome they expected. The SLCC would work on a clearer indication to the parties of its independence, and how it sits within the overall regulatory system.

It was clarified, in answer to a question from GF, that the advice line pilot had resulted from discussions at SET that highlighted a fair number of firms, usually small firms or sole practitioners, asking for advice when they first received notification of a complaint. Information on the process was also included in the first letter sent by the SLCC. In general, firms tended not to phone the general enquiries line, but the public did, and firms would be re-directed by the enquiries team to a member of SET if necessary.

6. SLCC Feedback

VC tabled the SLCC customer feedback report for discussion.

VC noted that the data to be presented to the Panel in future would look a little different and have a different timescale. SET would firstly interrogate the raw data, and then produce the infographic, before presenting it to the Panel. The Panel's discussion would be fed back to SET and then to the Board. Hopefully a more thematic approach would help to identify trends and possible improvements.

BM thanked the SLCC for a clear appraisal and liked the presentation of numbers rather than percentages. He commented that many of the individual comments were well articulated, even if critical, and wondered if it was possible to follow up on those.

TR and GF also commented that they liked the infographic, but understood that the board may need more detail. GF appreciated the opportunity to have the Panel's feedback before the board too.

CG agreed that there was good qualitative comment, even if it had not been possible to identify any particular themes in this quarter. He wondered if the feedback from the early stages was also gathered anonymously or could be linked back to ongoing cases. He asked if the document would be made public, after being tabled to the SLCC board.

[The SET representative] said that some feedback might name the investigator, but not the case, and those providing feedback could choose whether to include the case reference. When the Q2 data came through, the SET team would try to monitor the themes, and from available information could discuss whether training, more generally or to an individual, or process adjustments might be needed.

VC clarified that the SLCC would not publish the results in this format, but would be fed into the "You said, we did" section of the annual report.

CG noted the comment about complainers being required to obtain their own transcripts, which seemed to be unduly burdensome. He queried whether there was any follow up on the comment that compensation was recommended but not paid, and asked for details of why a complaint might have been sent back for the firm to handle.

VC answered that in the past, an accused person or witness who later wanted to complain about the line of questioning in court would need to obtain a transcript to support their complaint. However, last year a complainer had crowd-funded to obtain the transcript and lobbied government, resulting in a ruling that in specific cases transcripts could be provided free of charge. Most of these types of cases would be investigated as conduct issues.

VC confirmed that the remark about compensation related to a specific issue involving a ceased firm's indemnity insurance policy. In a few other cases where firms did not comply, the SLCC would pursue the issues and prioritise compensation to the complainer before anything owed to the SLCC under the levy.

Several members noted that much of the feedback still seemed to be based on the

outcomes. BM commented that the free-text comments were a good reminder of the serious impact of these issues on consumers, and the importance of having robust processes.

TR highlighted the remarks from third party complainers and asked how their expectations were being managed. [The SET representative] replied that the initial letter to complainers would identify whether the complaint was to be treated as a first or third party complaint, and would clearly outline what the SLCC could and could not do, in terms of conveying information and upholding complaints. Many complainers did not understand this, particularly beneficiaries who thought that this made them clients of a firm; some did not accept the SLCC's definition of them as third parties. The SLCC tended to pick up those points and try to explain further on a case-by-case basis.

TR asked whether any equality and diversity information that could impact on how case investigators dealt with a complaint was made accessible to them. VC said that the equality data is kept separately (and anonymously) from case data, but that the complaint form also asks whether reasonable adjustments were required. SET were due to discuss this issue and consider the best approach.

CG wondered if it was possible to link the data to outcomes, and wondered too if the themes identified in the infographic could be carried over into categorising the raw data too, or whether it would be easier to group the responses into positive, negative and neutral. GF asked whether word clouds would be a useful way to capture and present the information. The SET representative replied that SET would look into both.

VC said, in answer to a question, that comparisons of the newly-presented data across quarters and years would be possible, similar to what had been done in the past.

7. Demographic data – who makes complaints?

VC tabled a report on who makes complaints, explaining that this was an update of a report published in 2023, confirming what had changed in the meantime and what stayed the same.

CG thought more explanation might be useful, particularly on the two recommendations that were carried forward and repeated from the 2024 report, to clarify what had been done, or why it had not moved forward. VC took the point and said that since this had been drafted, Consumer Scotland had also pointed out that it held data on legal services that SLCC could potentially add also to the narrative. It would also be useful to point out who did and did not reach out to the SLCC. TR said that this was a common difficulty for many complaints and ombud bodies, as the public often regarded the process of making a complaint as time-consuming, emotionally draining, and not worth their while, although it was important to take any lessons about the ways in which the SLCC could potentially extend their reach.

GF thought that it might be useful to try to present any changes in percentage terms; whilst direct comparisons might not be possible, it could be useful to present trends, and to perhaps include new categories of complainers. She also recognised that to establish trends, it was important to pose the same questions. She suggested that SLCC should prepare an updated version that incorporated information from Consumer Scotland and

possibly also gave more context around the experiences of other similar bodies. This could be approved by the Panel before being published.

SLCC: re-draft report

Administration & AOB

8. Membership update

GF noted that YoungScot had indicated that their limited capacity made it difficult to attend the Panel meetings on a regular basis. Although invitations had been given to law centres, they were also unable to commit. Discussions with organisations dealing with disability, ethnic minority and immigration had also not managed to identify a suitable representative. Other sectors where representation would be useful could include advocacy, human rights and equality. One of the main difficulties was that many organisations in the third sector might struggle for funding.

Members discussed several options and highlighted that the panel representatives should be largely drawn from organisations who represented the interests of consumers. Members asked if it would be useful to have input from anyone who had been through the SLCC processes. VC said that during the consultation process for the new Bill, the SLCC had invited comment from the wider community. Some did volunteer their views but it would be a different matter to ask them to join the Panel on a permanent basis. It was possible to organise “themed” meetings to invite input from particular groups, but no option for “occasional” membership. Having a wide range of organisations giving their input, rather than just those who specialised in a particular area, added depth and richness to the discussion.

Members agreed to forward any future suggestions and contacts by email to the SLCC.

All panel members

9. Future meetings

The next meetings were scheduled for 2pm, via MS Teams, on:
Tuesday 4 March 2025
Tuesday 3 June 2025